HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE Ms. JUSTICE G. ROHINI

Writ Appeal No. 1389 of 2002

Between:

K. Balakrishna Reddy,
Rep. by its General Power of Attorney Holder
C. Naveen Kumar Reddy,
Chimakurthy Village, Prakasam District.

… Appellant

and

The Director,
Mines and Geology,
Hyderabad & others

... Respondents

:: J U D G M E N T ::

Counsel for the appellant : Shri M. Govind Reddy

Counsel for respondent No.3 : Shri Pannala Srinivas

25th October, 2007

Per G. S. Singhvi, CJ

This appeal is directed against order dated 05.03.2002 passed by the learned Single Judge, whereby he dismissed Writ Petition

No.91 of 2002 filed by the appellant for restraining respondent Nos. 1 and 2 from granting prospecting licence to respondent No.3 for black granite over land measuring Ac.2.50 cents comprised in Survey No. 584/1 in Chimakurthy Village, Prakasam District.

At the threshold of hearing, Shri M. Govind Reddy, learned counsel for the appellant gave out that he has been instructed to withdraw the appeal.

Shri P. Srinivas, learned counsel for the contesting respondent says that he does not have any objection, if leave is granted to the appellant to withdraw the appeal, but submitted that the Court may saddle the appellant with exemplary costs because on account of the interim order passed at his instance, respondent No.3 has been deprived of the prospecting licence for the last five years.

We appreciate the grievance made by learned counsel for respondent No.3, but keeping in view the fact that interim order was passed by the Division Bench after hearing the parties and the request for withdrawal of the appeal has been made without advancing arguments on the merits of the case, we deem it proper to accept the request made by Shri M. Govind Reddy and dismiss the appeal as withdrawn.

As a sequel to dismissal of the appeal as withdrawn, interim order dated 31.12.2002 shall stand vacated and W.V.M.P.No. 1112 of 2007 shall stand disposed of as infructuous.

G.S. SINGHVI, CJ

Date: 25-10-2007

G. ROHINI, J

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